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Lead Counsel for the Class

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RICHARD GREGORY, On Behalf of Himself )  
and All Others Similarly Situated, )

Plaintiff, )

vs. )

CHIRON CORPORATION, HOWARD H. )  
PIEN, JOHN A. LAMBERT and DAVID V. )  
SMITH, )

Defendants. )

Case No. C-04-4293-VRW

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER  
RE TELEPHONIC PARTICIPATION BY  
GEORGE A. BAUER III AT THE  
SETTLEMENT FAIRNESS HEARING

DATE: October 6, 2008

TIME: 10:00 a.m.

CTRM: Hon. Vaughn R. Walker

On June 18, 2008, pursuant to Fed. R. Civ. P. 23(e) the Court entered the Preliminary Order for Notice and Hearing in Connection with Settlement Proceedings (“Preliminary Order”) setting the Settlement Fairness Hearing on October 2, 2008, at 10:00 a.m.;

Following the Clerk’s notification that the Court wanted to reschedule the hearing, on July 14, 2008, the parties filed the Stipulation Regarding Supplemental Post-Card Notice re Change of Date of Settlement Fairness Hearing;

On July 15, 2008, the Court entered an Order resetting the Settlement Fairness Hearing to October 6, 2008, at 10:00 a.m.;

George A. Bauer III, a partner with the law firm of Milberg LLP, Plaintiff’s Lead Counsel, participated in negotiating and documenting the terms of the Settlement, but Mr. Bauer is unable to physically attend the Settlement Fairness Hearing due to health issues affecting his ability to travel;

Jeff S. Westerman and Anita Kartalopoulos of Milberg LLP will be physically present at the Settlement Fairness Hearing but wish Mr. Bauer to participate by telephone, as the Court permitted for the initial preliminary approval hearing;

NOW, THEREFORE, the parties stipulate and agree, as follows:

1. Mr. Bauer may participate in the Settlement Fairness Hearing October 6, 2008, at 10:00 a.m. by telephone; and

2. Plaintiff’s Lead Counsel shall make arrangements for the telephonic participation of Mr. Bauer.

IT IS SO STIPULATED

DATED: August 8, 2008

MILBERG LLP  
JEFF S. WESTERMAN

/s/ Jeff S. Westerman  
JEFF S. WESTERMAN

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*Counsel for Lead Plaintiff*

DATED: August 5, 2008

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& FLOM LLP  
ERIC S. WAXMAN  
AMY S. PARK

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/s/ Amy S. Park  
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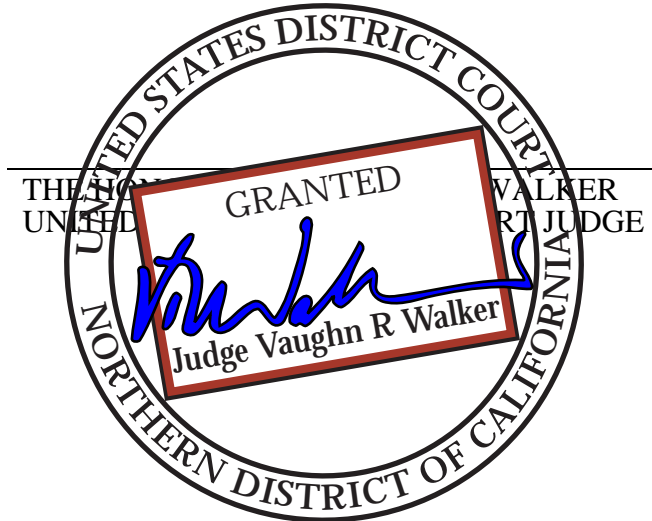
*Attorneys for Defendants*

**ORDER**

Having read and considered the parties' Stipulation and ~~Proposed~~ Order re Telephonic Participation by George A. Bauer III at the Settlement Fairness Hearing, the Court will permit Mr. Bauer to participate by telephone.

IT IS SO ORDERED.

DATED: 8/15/08, ~~2007~~



DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071-3149.

2. That on August 8, 2008, declarant served the STIPULATION AND [PROPOSED] ORDER RE TELEPHONIC PARTICIPATION BY GEORGE A. BAUER III AT THE SETTLEMENT FAIRNESS HEARING by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

4. That on the above date, declarant served via e-mail to: scac@law.stanford.edu.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of August, 2008, at Los Angeles, California.

  
ELIZABETH VILLALOBOS

**SERVICE LIST**

*Richard Gregory v. Chiron Corporation, et al.*  
USDC ~ San Francisco - Case No.C-04-4293-VRW

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